

LEWIS, CLIFTON & NIKOLAIDIS, P.C.

ATTORNEYS AT LAW

350 SEVENTH AVENUE

SUITE 1800

NEW YORK, N.Y. 10001-503

(212) 419-1500

FACSIMILE

(212) 419-1510

DANIEL E. CLIFTON
LOUIE NIKOLAIDIS*
ELAINE L. SMITH

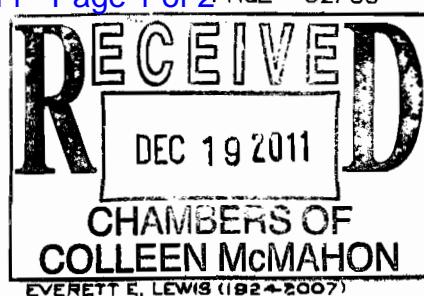
JULIAN GONZALEZ
RACHEL S. PASTER

OF COUNSEL
MARK J. LOPEZ**
ADMITTED IN NY AND NJ
ADMITTED IN NY, NJ AND IL

MEMO ENDORSED

12/19/2011
We are working on
Plaintiff's motion to
file sur-reply, will
file, and
be considered. To
be done now

December 19, 2011



NEW JERSEY OFFICE
340 GEORGE STREET
NEW BRUNSWICK, N.J. 08901
(732) 690-0100

VIA FACSIMILE (212) 805-6326

Hon. Colleen McMahon
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Oakley et. al. v. Verizon Communications, Inc. et al.
09 Civ. 9175 (MHD)

Dear Judge McMahon:

We represent the plaintiffs in the above referenced matter. On October 11, 2011, plaintiffs filed a reply memorandum in further support of their motion for class certification. On November 9, 2011, defendants requested permission to file a sur-reply to this motion. The court granted defendants' request (limiting the sur-reply to five pages), but did not provide a filing deadline.

To date, no papers have been filed. I have telephoned and emailed Lori Almon, counsel for the defendants, to inquire if and when the sur-reply will be filed. Ms. Almon stated that a brief would be filed sometime in the future, but could not provide a date certain for the filing.

Given that 68 days have passed since plaintiffs filed their reply, and 39 days have passed since defendants were given permission to file their sur-reply, plaintiffs believe that defendants have had ample time to consider the issues and draft a five-page brief. Plaintiffs respectfully request that the court deem the motion fully submitted, or in the alternative, that the court order defendants to promptly file the sur-reply.

USDS SDN

DOCUMENT

ELECTRONICALLY FILED

DOC #:

DATE FILED: 12/20/11

Very truly yours,

Elaine Smith

cc: Lorie E. Almon, Esq. (via email)

Daniel E. Clifton, Esq. (*via email*)
Gabrielle Semel, Esq. (*via email*)
Mary K. O'Melveny, Esq. (*via email*)